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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/075,186
	Filing Date	2/14/02
	First Named Inventor	Fallowes
	Art Unit	1761
	Examiner Name	Yeung, George Chan Pui
Total Number of Pages in This Submission	Attorney Docket Number	H54/FAZ

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Herman Hohausser
Signature	<i>[Signature]</i>
Date	April 13, 2004

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Date	Apr 14, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fallowes, Gary Scott

Serial No.: 10/075,186

Filed: February 14, 2002

Title: Progressive Roasting and
Toasting Machine

* Attorney Docket No: HJH/FAL

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* Examiner: Yeung, George Chan

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* Art Unit: 1761

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RESPONSE TO OFFICE ACTION REQUIRING RESTRICTION

Assistant Commissioner of Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

This communication is in response to the Official Office Action mailed April 9, 2004 in which there is a Shortened Statutory Period for reply of thirty (30) days.

The undersigned recognizes that the originally submitted claims had contained an error in the numbering thereof in that there were two claims designated 27 and no claim 28; and

that the examiner has renumbered the second occurring claim 27 as claim 28. No other changes were necessary.

DISCUSSION OF RESTRICTION REQUIREMENT

The examiner has taken the position that the claims define two distinct inventions; namely, a process and an apparatus utilized to carry out the process. It is recognized by the undersigned that inventions are distinct if it can be shown that either (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. In the instant case the apparatus claims define an invention that can be used to practice another and materially different process, e.g. for use in holding clothes or tobacco leaves for drying. In addition the method as claimed can be practiced without the specific structural features of the apparatus as claimed.

ELECTION OF INVENTION

Applicant hereby elects claims 1-14, 21-23, 28 and 29 drawn to a method of food preparation (Invention I) without traverse for examination on the merits

The examiner is invited to contact the undersigned in the event there is any question or informality to resolve.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'H. Hohauser', with a long horizontal flourish extending to the right.

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